

**BOARD OF COUNTY COMMISSION  
AGENDA ITEM SUMMARY**

Meeting Date: 5/18/05 - KL

Division County Attorney's Office

Bulk Item: Yes X No     

Staff Contact Person: Suzanne Hutton

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**AGENDA ITEM WORDING:**

Approval to advertise an Ordinance amending the Arts in Public Places Ordinance to provide a preference for local artists.

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**ITEM BACKGROUND:**

In the recent evaluation of artists and their proposals for art at the Freeman Justice Center, one of the few AIPP funding processes followed since enactment of the ordinance, local artists were disparately impacted by the evaluation process utilized by the Arts in Public Places Advisory Committee. Section 255.20(1), Florida Statutes allows for a local preference ordinance to be passed by local governments.

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**PREVIOUS RELEVANT BOCC ACTION:**

Ordinance No. 022-2001 was enacted to establish an Arts in Public Places program.

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**CONTRACT/AGREEMENT CHANGES:**

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**STAFF RECOMMENDATIONS:**

Approval to advertise for one public hearing on June 15, 2005 in Marathon, Florida.

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TOTAL COST: N/A

BUDGETED: Yes      No     

COST TO COUNTY: N/A

SOURCE OF FUNDS:                     

REVENUE PRODUCING: Yes      No X AMOUNT PER MONTH      Year     

APPROVED BY: County Atty *JA* OMB/Purchasing      Risk Management     

DIVISION DIRECTOR APPROVAL:                     

*John R. Collins 05103105*  
JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required     

DISPOSITION:                                     

AGENDA ITEM #



Mayor Spehar

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING CHAPTER 2 OF THE MONROE COUNTY CODE ENTITLED "ADMINISTRATION" BY AMENDING SEC. 2-332(A) IN ORDER TO PROVIDE A PREFERENCE IN SELECTION OF LOCAL ARTISTS; BY ADDING SEC. 2-332(A)(b) TO INCORPORATE LANGUAGE FOUND IN SECTIONS 2,3, AND 4 OF ORDINANCE NO. 022-2001; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE**

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**WHEREAS**, Ordinance No. 022-2001 was enacted to establish an Arts in Public Places program, including mechanisms for funding and selection of art to be installed in public buildings, both new construction and major renovations; and

**WHEREAS**, Section 255.04, Florida Statutes, sets forth a preference for home industries in the construction of public buildings; and

**WHEREAS**, Section 255.20(1)(i), Florida Statutes, allows for a local preference ordinance to be passed by local governments for procurement for public construction works; and

**WHEREAS**, Ordinance No. 022-2001 of Monroe County requires art to be placed in newly constructed public buildings costing over \$500,000.00 or which are being renovated at a cost of over \$100,00.00; and

**WHEREAS**, local artists have been underutilized in the placement of art in public buildings; and

**WHEREAS**, the Monroe County Tourist Development Council has long recognized and promoted the wealth of local artistry in the Florida Keys; and

**WHEREAS**, the Board of County Commissioners of Monroe County find it in the public interest to promote the local economy, to reduce the disparate impact on local artists, and promote the reputation of Monroe County as an arts center by providing a preference for Monroe County artists; and

**WHEREAS**, Sections 2, 3 and 4 of Ordinance No. 022-2001 were presented without such prefatory language as would result in those sections of the ordinance being codified by the service which prints the Monroe County Code;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**



Section 1. Sec. 2-332(A) of the Monroe County Code is hereby amended by the addition of the following:

(a)(3) In order to increase participation and selection of local artists, the Arts in Public Places Committee shall issue a Request for Qualifications to select a group of artists to submit proposals for qualified construction projects. In addition to regular procurement procedures, the Request for Qualifications shall be advertised in all newspapers in Monroe County in which legal notices may be published pursuant to Florida Statute; however, such notices shall not be in the legal notices section of the newspaper. Further publication of the Request for Qualifications shall be accomplished by regular mail and electronic means to local arts organizations within Monroe County. If available, a minimum of one-half (50 per cent) of the artists selected by the Request for Qualifications shall be local artists. For purposes of this section, "local artist" means an artist who resides in or manufactures art in Monroe County for at least one hundred eighty (180) days of each calendar year.

Section 2. Sec. 2-322(A)(b) is hereby created to incorporate Sections 2, 3, and 4 of Ordinance No. 022-2001, and shall read as follows:

(b) There is hereby established an Arts in Public Places Committee, which shall be an advisory board to the County Commission. The Arts in Public Places Committee shall be composed of five voting members and two non-voting members, and shall have the sole purpose of reviewing responses to Requests for Proposals for art to be acquired and installed in each public construction project subject to the Arts in Public Places set aside requirement.

(1) Each County Commissioner shall appoint one voting member whose term shall run concurrently with the term of the appointing commissioner and who shall live or work in the appointing commissioner's district. There shall be one voting board member who is either a board member or staff of the Monroe Council for the Arts Corporation. Each remaining voting member must represent one or more of the following:

- a. working artist;
- b. art professional;
- c. landscape architect or interior designer;
- d. curator; or
- e. general public

(2) The County Administrator shall appoint to the committee the two non-voting members on a project by project basis. The non-voting members shall be familiar with the project through their position or contract as the architect, the building/project supervisor, or a similar nexus to the project.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.



Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 18th day of April, 2001.

Mayor Dixie M. Spehar  
Mayor Pro Tem Charles "Sonny" McCoy  
Commissioner Murray Nelson  
Commissioner George Neugent  
Commissioner David Rice

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(SEAL)

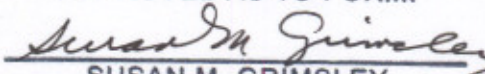
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:

  
SUSAN M. GRIMSLEY  
ASSISTANT COUNTY ATTORNEY